

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No :9820 of 2007

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DATED:01-05-2007

BETWEEN:

N.Sankar Narayana.

.....
PETITIONER

AND

The Superintendent of Police,
Anantapur
Anantapur District & 2 others.

.....**RESPONDENTS**

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the inaction of the 1st respondent in disposing of the representation, dated 07-04-2007, of the petitioner for taking appropriate action to direct the Station House Officer, Kothacheruvu police station, Kothacheruvu mandal and other concerned to alter the case as under Sections 307 and 326 IPC and under Scheduled Caste Atrocities Act ; to restore the petitioner's motor bike to him, as illegal and arbitrary.

3. Having regard to the facts and circumstances of the case, I am of the opinion that if the offence committed by the accused attracts the legal provisions under Sections 307 and 326 IPC even though the criminal case is pending in Cr.No.173/06 of Kothacheruvu police station, it is always open for the petitioner to file a private complaint to establish the said contentions in accordance with the provisions under Section 210 Cr.P.C, but however without taking recourse under the Code of Criminal Procedure filing the writ petition straightaway before this Court

may not be just and proper.

Therefore, I am not inclined to entertain the present Writ Petition.

4. Accordingly, Writ Petition is dismissed with a liberty to take appropriate action as per the relevant provisions of the Code of Criminal Procedure. No order as to costs.

V.ESWARAIAH,J

01st May, 2007.

Note:

Furnish C.C. of the order
within three days.

B/o

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